

TOWERING NOTIONS

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essays

on

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ideas

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3 essays on 3 big ideas

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EVOLVING THE MUSIC INDUSTRY

written by Kelsey Stefanson

This year's recession has affected every one and every business in some way or another. The music industry is no exception, but those in and around it seem to be taking the crash more in stride than other industries, ironically thanks to ten years of already dealing with declining music sales. Since a high point in 1999, the music industry has been coming up with new ways to create revenue for the songs it creates. Faced with less money in consumers' pockets, piracy, and general apathy toward new music, the recording industry is responding with a variety of innovative technologies and business models—from online music sales and streaming radio to multi-level record deals—to keep itself afloat.

Sales figures for both 2007 and 2008 indicated large drops in compact disc sales across the country. Overall album sales in the United States were down fifteen percent for 2007¹ and nineteen percent in 2008.² The United States' big fall in sales in 2008 contributed heavily to the global eight percent loss in sales.³ Though these numbers are large, they are not particularly shocking to an industry that has lost forty-three percent of its business in the last ten years.⁴ In those years, not only have large retailers like Wal-Mart and Best Buy sharply decreased shelf space designated for CDs, but many record stores, from Tower Records to many branches of Virgin Megastore, have also shut down entirely.⁵ Additionally, ever tech-savvy teens have slowed down their online digital music purchases in the last year.⁶ Despite teens' shrinking purchasing power, however, digital music sales have continued to grow, with 2008 sales figures showing a twenty-four percent global hike in sales and over sixteen percent growth in the United States.⁷

These numbers have the possibility of being higher, but stay low because of the ever-present threat of digital piracy. Though the recording industry has been hard at work trying to stop all illegal file sharing, new technology keeps cropping up to enable Internet users to get their music for free. According to a recent *New York Times* article regarding the site The Pirate Bay, "Internet users keep finding new ways to share music and avoid paying its owners."⁸ Even The Pirate Bay's owners themselves—who were recently convicted of breaking copyright law by running an enormous site providing links to copyright material to an

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estimated twenty million users—continue to reject the notion of paying for these materials; one of the convicted owners said, "Even if I had the money I would rather burn everything I owned, and I wouldn't even give them the ashes."⁹

Though the owners of the site were convicted and given jail sentences, they are appealing the sentence and continue to operate the site. Additionally, according to Forrester Research analyst Mark Mulligan, shutting down the site would cause "no meaningful decrease in piracy" as new sites like The Pirate Bay would pop up in its place.¹⁰ Sites like The Pirate Bay link to files that are downloaded with a newer peer-to-peer program called BitTorrent that operates much differently than previous enemies of the music industry Napster and Kazaa. Because BitTorrent does not connect users directly to whole files, but rather bits and pieces of those files to eventually create a whole, it is much more difficult to track; therefore, the record industry is going after site owners, rather than individual downloaders.¹¹ The elusiveness of BitTorrent downloads is likely one reason why pirated music downloads account for ninety-five percent of worldwide music downloads.¹²

Despite rampant illegal music file sharing, legal music download avenues like iTunes and the Amazon digital store are doing quite well. Originally, the iTunes store was the primary place for record labels to set up online catalogs where fans could purchase their artists' music. That changed when Amazon got in the game and offered digital song files for the same price as iTunes, but got rid of any restrictions that iTunes files held, like Digital Rights Management (DRM) that kept users from transferring files to too many computers or using them on any portable music device other than the iPod.¹³ In April of this year, however, Apple made a move to recapture some of the sales it was losing to non-Digital Rights Managed sellers. The iTunes store is transitioning to sell all of its files without restrictions, a move that has been lauded by music lovers.¹⁴ Apple also appeased record companies when it made its recent changes by adding tiered pricing to its digital shelves. New higher and lower prices allow record execu-

More than
50% of
teenagers
listen to
online
radio.

tives to attach higher prices to who they believe to be more bankable artists.¹⁵ The higher prices have not been met with as much enthusiasm by buyers as has the loss of DRM, but it has added to the spirit of competition with online retailers; now someone looking to buy the newest pop hit can check out the price at iTunes and Amazon (or many other online stores) before deciding how much she wants to pay for the song—if at all.¹⁶

Multiple online locations for purchasing individual digital song files are not the only options for music buyers on the Internet. Subscription music services are also readily available with catalogs of millions of songs. For some, this may prove to be a more wallet-friendly option that also allows for more musical exploration. According to Ted Cohen, former high-tech executive at EMI Records, subscription music services are better: "If you're a massive music fan, the 99-cent-per-song thing doesn't work, because it creates this barrier to discovery: 'Well, I might like the artist, but I'm going to have to pay 99 cents.'"¹⁷ Some of the subscription services even foster this desire for discovery, by making recommendations of similar artists to those a listener already likes.¹⁸ A January 2009 *Spin* magazine article points to subscription music services as a way to curb spending while still acquiring new music.¹⁹

The same article, "No Money, Mo' Problems," also points to free or nearly-free online streaming music services as an alternative to forking over 99 cents per song or fifteen dollars per compact disc.²⁰ In fact, many companies are jumping on board with this idea, including Yahoo!, who recently shifted its music site from housing content to simply becoming a directory of streaming content already on the web.²¹ It now incorporates content from popular streaming web sites like YouTube, Pandora, and Last.fm, all of which are ad supported but require no payment from users. The streaming music sites in this group work with record companies and independent artists to create licensing agreements to enable a certain number of songs to be listened to a certain number of times—yet another new tactic record companies are taking to make money off of the music they produce.²² The method is probably a smart one: according to a new report by NPD Group, more than fifty percent of teenagers listen to online radio or streaming music content. This number is up from thirty-eight percent in 2007.²³ Another bright spot is that watching streaming videos (like on YouTube and MySpace) has become more popular than using peer-to-peer illegal file-sharing services.²⁴ An increase in streaming usage is good news for music artists and their labels, especially those who are lesser known. Many of the online streaming radio services work by creating customized "stations" that play music similar or related to the music a user tells the site he likes. With this model, new artists are discovered and fan bases grow.

The importance of a large fan base can never be over estimated. This was demonstrated when popular alternative band Radiohead took a very innovative route for distributing their latest album, *In Rainbows*. After their previous album was complete, the band's contract with their record label expired

"Well, I might like the artist, but I'm going to have to pay 99 cents."

and they decided not to resign with the company so that they could keep all the rights to their music. A smaller, less renowned band may have drowned itself by doing this, but Radiohead's fan base and ingenuity created a tidal wave of interest when it was announced that the band would release their new album on their own, online. In the month following its release, a million Radiohead fans downloaded *In Rainbows* from the band's site.²⁵ The band did not set a price for the album, allowing fans to name their own price—even zero. Despite this freedom for downloaders to spend nothing at all on the album, many still did pay and digital sales of *In Rainbows* ended up being more profitable than any of the band's previous albums combined.²⁶ The high profitability was thanks, in part, to low overhead costs, but also because in the past, the band's label was not giving them any payment for digital sales.

Radiohead did not stop at a digital release of the album, however. To complete what has come to be known as the Radiohead Model, the band also gave fans the opportunity to purchase (with a price tag this time) high-end tangible items like record and compact disc box sets, posters, and signed memorabilia.²⁷ Finally, once Radiohead had distributed the album their way, they were still able to license the music to a record company to sell CDs in stores. Even though the album had been available online (for free!) for over a month before it hit stores, *In Rainbows* still hit number one on the Billboard chart when it was given a traditional CD release.²⁸ Not only was the album profitable for the band, but it also shifted the way record labels and music artists think about how to market and distribute new music.

Since November 2007, when *In Rainbows* was released online, other artists—both big and small—have taken similar paths in distributing their music. Beginning in 2008, Nine Inch Nails and its frontman Trent Reznor have become champions of alternate release methods. With both *Ghosts I-IV* and *The Slip*, Nine Inch Nails distributed music directly to its fans from its own web site, allowing buyers to pay anywhere from five dollars to three-hundred dollars, depending on whether they wanted just digital files

“The overwhelming mantra at record labels has become digital.”

or elaborate box sets with fancy packaging.”²⁹ After sales figures were calculated, Jim Guerinot, the band’s manager, estimated that Nine Inch Nails “made more than five times as much profit off [the release of *Ghosts I-IV*] compared to what it would have made under the traditional industry system.”³⁰

Both Radiohead and Nine Inch Nails were already incredibly successful before trying out new business methods, but the self-release model works for less established artists as well. Solo artist Josh Freese is an interesting example of creative pricing and how it can be successful. For his latest album, the artist worked with a new music promotion service called Topspin, which allowed him to have tiered pricing that ranged from seven dollars to 2,500 dollars. The minimum price will get a fan a digital download of the album; fifteen dollars will buy a CD and DVD package; fifty dollars pays for the album, a t-shirt, and a phone call from Josh Freese; and for a whopping two-and-a-half grand, the ultimate fan gets all of the above, plus a drum lesson, signed drum, and three articles out of the artist’s closet.³¹ The lengths to which Freese went may seem comical, but in the end, it gained him attention, profit, and control over the distribution of his music.

While many artists are doing what they can to personally control their songs while still making a profit, some are taking an alternate route to success with multi-level record contracts called 360-Degree deals. Traditionally, a record deal only covers album sales, and the band itself is both in charge of and the sole benefactors of merchandise and concert sales. With this new style of record deal, the band and the label share profits in all areas of sales—and they also share the burden of promoting all areas of sales. This has proven to be a good model for quite a few artists, big and small. Newer band Paramore was practically catapulted to fame thanks to its 360-degree deal with Atlantic Records. In the unpredictable world of music sales, it was a wise decision for the new band because Atlantic was more inspired to promote and market the band to radio

and television stations since it knew that even if CD sales were not high, concert ticket and merchandise sales very well could be.³²

Record labels are not the only companies getting in on the 360-degree deal: concert promoter Live Nation struck up deals with superstars Madonna and Jay-Z, both of which earned over \$150 million dollars from touring and other music sales.³³ It is evident that live shows are where most of the money is for musicians, but with budgets tightening across the country, it is still to be seen whether the 360-degree deal will be a long-lasting success story, especially when fewer and fewer people can afford three-hundred dollar concert tickets.³⁴

Though live shows are always an integral part of the music business, right now, according to Steve Knopper, author of *Appetite for Self-Destruction: The Spectacular Crash of the Record Industry in the Digital Age*, “The overwhelming mantra at major labels has become *digital*.”³⁵ Many music companies are still frightened of the digital sector, and cannot determine what is good technology versus what is bad technology, but from looking at the growing efforts to utilize online music stores, streaming music sites, and subscription music services, it is clear that the focus is moving to digital music sales more than tangible compact disc sales. New technologies are constantly being added to the stream of options for music distribution, and with the sour economy, record companies are sure to latch on to any new method that will give them a chance at profits. ■

SUSTAIN- ABLE BUILDING

written by Rachel Doyle

A sustainable design will take into account the entire life cycle of the structure.

In the last few decades, as natural resources have become increasingly scarce and oil and water interests have become a significant global issue, there has been a trend toward sustainability in all areas of industry. Words like "green", "eco-friendly" and "sustainable" have steadily entered the mainstream lexicon, particularly in the fields of construction and architecture and appropriately so, as "in the United States, the 140 million tons of construction and demolition waste produced annually comprise about one third of the total solid waste stream, consuming scarce landfill space, threatening water supplies, and driving up the costs of construction"¹. Clearly the current standards for building are increasingly detrimental to the natural environment and the introduction of new, greener practices seems a step in the right direction. However, in order to fully understand the concept of sustainable building and the feasibility of implementing sustainable practices on a national or even global level, it is imperative to first understand the terminology, the history, and the fiscal realities associated with the process.

The term "green building" was coined in the early to mid nineties when the concept of environmental responsibility first became a trend within architecture and construction. At this point in time, a building partially constructed of recycled materials might have been referred to as "green" due to its decreased negative impact on the surrounding environment. In recent years, however, the term "sustainable" has become more and more commonplace and while the words are often used interchangeably, a sustainable design is considered better than a green one because "sustainability takes into account a greater array of impacts than just those that burden the natural environment."² A sustainable design will take into account the entire life cycle of the structure, from construction to usage to deconstruction, and attempt the solution which will produce the least waste, require the least amount of energy, and release as few harmful emissions into the environment as possible. In the 1987 report to the United Nations, the Brundtland Commission (The World Commission on the Environment and Development) defined sustainable design as such: "Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs."³

While the terminology used to refer to sustainable development might be modern, the concept is far from it. Many of the best examples of sustainable architecture are in fact historical. The teepee used by Native Americans, for example, was constructed out of lightweight, natural materials which were found locally; it was easy to transport and therefore could be reused, eliminating the need to continually reproduce housing when traveling and therefore cutting down on waste and materials. It also used natural convection flows for heating and cooling purposes. Similarly, the Anasazi people of the southwest constructed some of the first sedentary civilizations by utilizing existing cliffs and caves, modifying them with earthen materials. The Anasazi's understanding of the terrain and the sun allowed them to create heating, cooling and lighting techniques through entirely natural means.⁴ Ironically, by making a shift toward more sed-

entary and less nomadic lifestyles, native peoples such as the Anasazi also had a hand in making the shift from natural, sustainable building into more modern and significantly less eco-friendly methods. Throughout history, as societies became more settled and survival became less of a priority than leisure and entertainment, the simplicity of those early buildings gave way to more elaborate, ornate structures which in turn were more demanding on resources. Even further down the road, with the emergence of the Industrial Revolution, speed and efficiency overshadowed harmony with the environment; interchangeable building parts could be created both quickly and with low cost to the manufacturer. In addition, the advent of electric lighting and heating and cooling systems, as well as new technology like elevators, meant that the standard for building worldwide became much the same and "the building industry moved away from design that was specific to climate, culture, and place and toward uniform standards for all situations." Unfortunately it was not for about a hundred years after the introduction of these new technologies that Americans began to take notice of the harmful effects that these supposed advances in industry were having on the environment. The environmental movement largely began in the US in the 1960s and '70s with the release of Rachel Carson's *Silent Spring*, and the creation of the National Wilderness Preservation system; however it was not until the 1990s that the trend made its way into the architecture and construction industries.⁵

In 1994 the Conseil International du Batiment (CIB) created the "Seven Principles of Sustainable Construction," which would ideally encompass every aspect of production, from planning to deconstruction in addition to the resources required both to create the structure and to operate it for the remainder of its usage. The seven principles are as follows:

1. Reduce resource consumption (reduce)
2. Reuse resources (reuse)
3. Use recyclable resources (recycle)
4. Protect nature (nature)
5. Eliminate toxics (toxics)
6. Apply life-cycle costing (economics)
7. Focus on quality (quality)⁶

Unfortunately, in spite of the positive effects these seven principles have on the environment, in many cases they are simply not entirely feasible, either for financial reasons or due to obstacles on a government level. For instance in many areas the elimination of stormwater infrastructure is not allowed.

[Some supposedly sustainable] companies... do not even implement basic recycling practices within their own offices.

Stormwater refers to water collected during rainfall or snow melt-off which can be potentially hazardous for two reasons: the volume of the water can be a flood concern, and the water often travels across impervious surfaces such as roads before re-entering rivers, lakes and oceans, which can allow for the introduction of harmful toxins accumulated along the way into the water system. While proponents of sustainable building would propose alternatives such as bioretention, which would store and treat the runoff, introducing it back into the water system at an appropriate rate, the ability to implement such practices is not yet a reality in many jurisdictions.⁷ In addition, sustainable building is simply much more expensive than the more harmful alternatives; since most buildings need to remain usable after daylight hours, daylighting systems which utilize skylights, sensors, and light shelves create additional cost which can be frustrating when ultimately electric lighting will almost always be required anyway. Overall, "green building materials often cost substantially more than the materials they replace. Compressed wheatboard, a 'green' substitute for plywood, currently costs as much as 10 times more than the plywood it replaces". For many clients, when costs rise unexpectedly in the middle of a project, it is too tempting to eliminate costly sustainable materials and revert to traditional methods rather than finding other ways of reducing costs.⁸

According to Martin Melaver, CEO of Melaver, Inc, another key barrier in the move toward sustainable building is authenticity. While plenty of corporations have been espousing their own "green" practices in the last few years, many of them are not realistically doing anything to help the environment. Melaver cites the increasingly trendy use of bamboo as a prime example;

he calls bamboo "a fantastic material, with near endless potential" but also points out that while it is easy to grow, readily renewable, and competitively priced, there are more complex issues to be considered when introducing such a material into a project. For instance, nearly all of the bamboo entering the US today is harvested in Asia and shipped around the globe, traveling across numerous different modes of transportation, each of which is releasing harmful toxins into the atmosphere. In addition, native forests in China might need to be cleared to make way for the money-making export, fertilizers and pesticides

Sustainable building is simply much more expensive than the more harmful alternatives.

might be used to ensure even faster growth, and the labor conditions under which those harvesting the crop have to work are rarely questioned. Melaver is careful to clarify that he strongly believes in utilizing useful and renewable resources such as bamboo but points out that quite often what seems superficially "green" is not as beneficial to the environment as it initially seems. More specific examples of unauthentic sustainability which Melaver cites include Toyota, which is considered to be a forerunner in environmentally friendly automotive design, especially since the release of the Prius hybrid, but who actually "joined other auto manufacturers in a lawsuit against the state of California to challenge the state's stringent vehicle emission requirements." Melaver also talks about companies he has visited to speak with about sustainable projects only to discover that they do not even implement basic recycling practices within their own offices; one of the key goals for a corporation looking to properly implement sustainable building techniques is to embody the ideals of sustainability in its everyday practices.⁹

In spite of the difficulties involved, there have been several successful cases of sustainable building being implemented on a commercial level. The Swiss Re Headquarters located at 30 St. Mary Axe in London's financial district is one of the most notable of these examples. The building was designed in the early 2000s by British architect Lord Norman Foster and at 591 feet and 40 stories tall, is credited with using only half the energy per year as any other tower of its size. The structure, which was constructed by the Swedish branch of international construction giant Skanska has several innovative features which make it remarkable for a building its size. Each floor is comprised of six "fingers" of offices which are separated by "lightwells" or skylights which introduce natural daylight into the interior of the building and reduce the amount of time that actual electric lighting is required. When electric lighting is used, sensors that can detect light and movement allow for the appropriate amount of light to be

There are numerous roadblocks to going green within the entire industry.

distributed, cutting down even more on artificial lighting costs. These open lightwells also allow for natural ventilation toward the interior of the building, which reduces artificial cooling costs. In addition the facade of the building has a vented double skin with blinds inside the cavity which "intercept solar gain before it enters the office environment, intercepted heat can then be reclaimed or rejected depending on the requirement for heating or cooling." On a more basic level, almost all aspects of the building promote sustainability: the primary fuel is gas, which is one of the cleanest existing forms of fuel; low-energy light fittings are used as much as possible; and the ventilation system is de-centralized and implemented on a floor-to-floor basis to allow for more efficient energy use than if a centralized system was used for the entire building. In addition, employees and visitors to the building are encouraged to implement eco-friendly habits into their lifestyle; there are no private parking spaces available for the Swiss Re building but three times the required amount of bicycle spaces are provided, and the facility is located in close proximity to multiple forms of public transport to reduce the dependency on cars.¹⁰ What is perhaps most impressive about 30 St. Mary Axe, however, is that the architect and builders managed to implement a design with such benefits without sacrificing aesthetics. Although the unorthodox shape of the building has been the subject of some ridicule in the British press, giving birth to such nicknames as "the Gherkin" and "the Towering Innuendo," the design in fact serves a purpose. By bowing

out from the base and reaching its widest point several stories up, the building manages to provide the maximum internal space without appearing overbearing at the ground level. The conical shape, which is utilized instead of the traditional rectangular skyscraper, allows for the equal spacing of lightwells but also makes the building remarkable on the skyline it inhabits. Those reluctant to believe that sustainable building must necessarily sacrifice beauty will have a hard time proving their point in reference to the Swiss Re building. However, once again, green buildings do not come cheap and the building cost of 30 St. Mary Axe was approximately €200,000,000 or about \$291,928,185 today.

In spite of the favorable response to Lord Foster's design, sustainable building is not something that has managed to make its way into the mainstream of the architecture industry. While the concepts it relies on are anything but new, and at face value seem to simply consist of returning to what many might consider primitive methods of construction and interaction with the environment, the reality of what it entails are much more complex. There are numerous roadblocks to going green within the entire industry, including a reluctance to do away with standards such as stormwater infrastructure and building practices that have been common for hundreds of years. The financial costs also pose a problem in most cases as sustainable building materials are exponentially more expensive than their less eco-friendly counterparts and critics would argue that those seriously committed to improving the environment could find more efficient ways to invest their money. For some the problem is even at the superficial level with the question of authenticity; what does it mean to truly be sustainable rather than to simply sound or look it, and will people really know the difference? Only time will tell whether or not financial limitations and red tape will give way to sustainable building practices that have the potential to reduce the burden on a struggling environment. *///*

DIGNITY ON THE DEATH BED

written by Shannon Burns

nurse obliges, and the woman dies shortly thereafter. In another scenario, the woman's son instead pulls the plugs out of selfish inheritance reasons. When confronted about it, he states that he "didn't kill her, he allowed her to die." Of course anyone can see that these are the same acts, just with different intentions behind them. Yet, on the other hand, if one is considered killing, isn't the other as well? They both pulled the plug, the woman dies in both scenarios—it is just that we tend to see one more ethical than the other. One was with the patient's consent, had good motive behind the act, and had legal authority to carry out the patient's wishes regarding treatment.

In arguing both sides of euthanasia, the philosophical terms utilitarianism and deontology can be used to explore from moral standpoints. First, utilitarianism, a term most commonly associated with the philosopher John Stuart Mill, is commonly called the "happiness principle". What is right or wrong is based on the consequences of the actions, or the ends in itself rather than the means of getting there. Utilitarianism is based on the greatest good for the greatest number of people, and is built around the individual's need for happiness. It asks

Today active euthanasia is only legal within the U.S. in Washington and Oregon.

Ethics are the cause of many of the actions we stand by, the values we hold pertinent, and much of the time are linked to moral issues that often have controversy surrounding them. Euthanasia is no exception to the controversy, and today active euthanasia is only legal within the U.S. in Washington and Oregon, while passive euthanasia is legal in most states. There is much debate surrounding issues of euthanasia, but from looking through both philosophical standpoints of utilitarianism and deontology, as well as through more specific perspectives, one can see that the issues are far from concrete, and have many layers to them.

In the field of medical ethics, there is much to be debated and the right to die through euthanasia has been in debate for many years. The difference between passive and active euthanasia must first be defined: active euthanasia is the "intentional and direct termination of a person's life when the person is terminally ill when the person voluntarily, consistently and repeatedly requests termination of life."¹ Passive euthanasia involves, instead of physically acting to end someone's life, simply not giving the needed treatment for instance, that would bring someone back to recovery (with request of the patient). In distinguishing the two, the question is asked, is killing worse than letting someone die? And a follow up to that is, can any form of active euthanasia be morally permissible? This is the main issue surrounding active euthanasia, which will be explored here.

Let us look at an example to compare what would normally be considered more morally ethical than its counterpart. An elderly woman is dying on her death bed. She is in pain and has an extreme amount of discomfort—her end is in sight and she knows it. Instead of agonizing through her last days, she asks the nurse to stop treatment and unplug her from the machines that are prolonging the death process. The

questions: is it better to have an action result in the average happiness, or the total happiness of a few? Commonly, the issues of what happiness is and how it can be measured come up.

Deontology, on the other hand, is most commonly associated with the philosopher Immanuel Kant. This principle is based on moral rules and unchanging principles. There is an absolute quality of deontology that leaves little to no room for contemplating a situation, and instead states that one should act in the same manner regardless of what the consequences may be. Standards exist for ethical choices and judgments, and one is to always tell the truth. There is a moral obligation to act in this way, and honoring these obligations ensures good, even if the result has pain. The focus is on the means, not the ends (the way of reaching an end, not the end in itself). While deontology may not seem right in all situations, this is the way of thinking the medical field is most closely attuned with.

In order to link the theories of deontology and utilitarianism to the ideas of euthanasia, one must first know the basis of the arguments for and against active euthanasia. The argument in favor of euthanasia is most linked to the main idea that rational, competent adults should be able to make their own decisions regarding their lives. It is cruel to allow someone to suffer an unbearable pain when they want to end it, and there is a level of dignity in having that control over one's life. There must be a level of respect for self-determination (autonomy) and individual well being. Everyone may have different ideas of what a good quality of life is, and they should be able to determine that on their own according to their own values and concepts of what a good life is. Many people have a fear for the last stages of life, and much of that has to do with the anxiety of suffering and/or lacking a quality of life. In argument for, "If self determination is a fundamental value, then the great variability among people on this question makes

Many [wonder] if [active euthanasia's legality] would affect physicians' choices.

[Philosophically,] The crucial point is... the intention behind the death.

it especially important that individuals control the manner, circumstances, and timing of dying and death.¹² In short, it should be an individual choice that a competent adult should be able to make for himself.

On the contrary, if one believes that acting in any sort of direct intention to bring about a person's death is wrong and impermissible despite the circumstances, then the fight for euthanasia would be a hard one to argue. Many believe it would be a slippery slope once active euthanasia would be made legal, wondering if it would affect physicians' choices as well as the way health care functions and the patients' trust of those who are supposed to be responsible for their well-being. Physicians may be tempted to think that death will be the best "treatment"; there is a naivety to think that they will only aid those who ask for it. Additionally, the ones who do, are not in their right state of mind to begin with. Once again with the slippery slope, if people have the right to choose one's own death, when will it become the right to request someone else's? In the views against euthanasia, the "intentional killing of the innocent always counts as murder" and murder is always wrong.³

There is also debate over who a competent versus incompetent adult is, for the competent are the only ones successfully able to request euthanasia. Many questions can arise out of this, such as where depression comes into play. If those who are denying treatment could get better with it, should physicians still honor their wish, or should they try to talk the patient into treatment or force-feed them? In defining what a competent adult is, one must consider that competency is related to abilities and capacities and the ability to act on these. Patients who have become depressed or extremely anxious about their health are considered incompetent. Judgment about the decisions a patient is making must also not come into play when deciding their competency, and commenting on physician's view of who is competent, "Patients who agree with their recommendations are judged competent, even if their mental status raises many questions about their competency; patients who disagree with their recommendations have their competency challenged purely on that ground."⁴ This is not to say that all medical professionals view their patients in this way or question in this way, it is just a commonality seen and an example of how personal views can skew a situation.

On the other end are the incompetent patients, and what categorizes them in this category. Perhaps it is more easily distinguishable to pick out the patients who cannot make these life or death decisions on their own rather than those who can. In determining these patients—those who are comatose, delirious, or disoriented fall into this category. Those who can not remember the information they are given, who can not process it, can not give a relevant reason for their decision, who can not use relevant information to reach their decision, or those who can not assess the relevant information—are deemed incompetent. In either case, acknowledging a patient as either competent or incompetent is by no means a black and white decision process. Each patient must be considered individually and tested to assess their competency, therefore assessing how seriously into consideration their opinion is taken.

Aside from the broader views of deontology and utilitarianism, several more distinct view points can be explored. The crucial point in distinguishing the morality of how someone dies and who is responsible is not how they die, but the intention behind the death. There are three main perspectives to look at between nature and human actions and these are: metaphysical, moral, and medical.

Through looking at killing vs. allowing to die in the metaphysical perspective, and the distinction between the two, one must see that there is a difference between one's self and the external world. "The mistake behind a conflation of killing and allowing to die is to assume that the self has become a master of everything within the outside of the self."⁵ The basis behind this perspective is that humans can not control nature, and saying that someone has the power to kill someone else in the situation of euthanasia is giving more power to human nature than it actually has.

The moral perspective argues the difference between human agency versus external nature. In examples such as when one is to bring an end to life through an injection, that is a physical cause of death. When someone dies from a disease on the other hand, one that we cannot cure, to permit the disease to take its course is the cause of death. There are cases, morally speaking, in which there is no difference between allowing someone to die and killing someone—such as if you let someone die who you can save, but have the obligation to do so, or kill someone with no moral right to do so. In a situation where a person is dependant on life support, turning off the respirator is allowing them to die, but when in reality it is the disease that ultimately was the killer. "The moral question is whether we

*No moral
dilemma can
be solved.*

are obliged to continue treating a life that is being artificially sustained. To cease treatment may or may not be morally acceptable, but it should be understood, in either case, that the physical cause of death was the underlying disease.¹⁶ The moral perspective, which has much to do with the ethics involved, showcases the ambiguity when trying to define allowing someone to die versus killing them.

The medical perspective emphasizes that a physician's ultimate obligation is to the welfare of his patients. Physicians are given the knowledge to kill, comfort, or cure, and with this knowledge, they should only comfort or cure—never kill. It would defy what they stand for in our eyes as the people that are to protect and help us. It would be misusing their power to do the opposite of what they stand for. It is their job to keep their patients alive to the best of their knowledge, and in turn, it is the disease that ultimately triumphs, not the "killing" by the physician.

After considering the various perspectives presented thus far, coming back to the utilitarianism and deontology viewpoints, let's look at how these two philosophical ideas relate to euthanasia in terms of what else was discussed. In terms of utilitarianism, the action that should be taken is one that results in the most pleasure and the least amount of pain. When a person is in pain, and their continued existence is bringing more pain than pleasure—then the act of euthanasia would be a viable option. Those for euthanasia tend to see more in a utilitarianism point of view. There is a lifting of suffering, and preservation of dignity for those who can choose when to end their life.

For those who see in the deontologist point of view, people have the right and the duty to not kill. The duty not to kill would rule out euthanasia, yet, this theory is not absolute. Many people who don't support euthanasia tend to think that there are justified wars and justified capital punishment. There is also the theory surrounding natural law when thinking in deontological points of view, the "potential and purpose of human beings is that the right action is one that always fulfills and respects human nature."¹⁷ This so called formula is thought to rule out suicide and therefore euthanasia as well. Humans have a natural instinct for preservation and it is against our innate nature to want destruction of ourselves. Therefore, those who do think they want euthanasia are not in the right state of mind. Aside from instinct, humans also have reason—and therefore the characteristic to preserve one's own autonomy and dignity. Many people who view euthanasia as morally wrong see life as a gift that is wrong to end and against human nature to want to end.

When looking at the two views, utilitarianism and deontology, there seem to be valid points on both sides. This is not to say both sides don't have their faults as well—utilitarianism is often criticized for being too obscure, for how could one possibly know all the consequences of an action and measure the happiness accurately on top of that? Deontology, on the other hand, can be viewed wrongful in that it can "tie the hands to those that would prevent injustice done to innocent people."¹⁸ There is no right answer—no clear one for that matter. No moral dilemma can be solved, for there are also conflicting and strong viewpoints from both sides. The world of medical ethics is complex to say the least, and the reason that they tend to use the deontology way of ethics is that there are set rules to apply to everyone. It is understandable why this sort of standard must be consistent (not to mention it is the law most places to not utilize active euthanasia). However, one could argue that each patient has a different circumstance and a different dilemma than the next, and should be treated as such. Is it reasonable to think the slippery slope theory an accurate one—will we not trust in health care if active euthanasia is ever legalized? This is an argument that will not just disappear over night—some people will always see euthanasia as killing and therefore immoral, while others see the right for people to be able to choose when they die a very valid one that we should all have. III

NOTES

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